

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS,)	
Plaintiff)	
)	
vs.)	Civil Action No. 06-830
)	Judge Gary L. Lancaster/
NICHOLAS SYNAN,)	Magistrate Judge Amy Reynolds Hay
Defendant)	

ORDER

Presently before the Court is plaintiff's motion for reconsideration of this Court's Order dated October 5, 2007, dismissing the case upon plaintiff's failure to prosecute. Dkt. [27]. Plaintiff now claims that he never received certain pleadings and orders since they were not sent to his "authorized" address, i.e., 613 Cross Street, East McKeesport, PA 15035 ("613 Cross Street"), but were sent to his place of confinement, i.e., FCI Morgantown, P.O. Box 1000, Morgantown, WV 26507 ("FCI Morgantown"). Further, plaintiff appears to be mystified as to why the docket reflects that his address is FCI Morgantown. Dkt. [27] at ¶ 8. He avers that he never intended to abandon his case and seeks to have his case reinstated.


We note in the first instance that plaintiff was ordered to immediately notify the Court of any change of address and was warned that failure to do so could result in dismissal of the case. Dkt. [5]. We note also that although plaintiff initially listed his mailing address as 613 Cross Street, plaintiff filed a request for default, Dkt. [7], dated February 8, 2007, which was received by the Clerk with the 613 Cross Street address crossed off on the mailing envelope and the FCI Morgantown address noted in its place, apparently by the plaintiff himself, as his mailing/return address. Accordingly, future Orders of Court were mailed to FCI Morgantown,

i.e., plaintiff's last known address. See Fed.R.Civ.P. 5(b)(2)(B)(providing that service of pleadings and other papers is met by mailing a copy to the party's "last known address"). Plaintiff sent no further pleadings to the Court to indicate a change of address from FCI Morgantown even though, as early as May 2007, he knew that mail from the Court and the Defendants was being sent to him at FCI Morgantown and not the Cross Street address. See, e.g., Dkt. [27] at 3, ¶ 17 (Plaintiff admits that he received mail from Defendants addressed to him at the FCI Morgantown address); Id., at 4, ¶ 18 (Plaintiff stating that he believes he received an order of Court sent to him at FCI Morgantown). He raised no objections at the time in May 2007 when he received these pleadings and/or orders. Only now, nearly five months later, does Plaintiff raise objections about his mail being sent to him at FCI Morgantown and not at the Cross Street address. Thus it appears that plaintiff's own actions or inactions caused his case to be abandoned. For this reason, the following Order is entered:

AND NOW, this 30th day of Oct, 2007, upon

consideration of the plaintiff's motion for reconsideration and the defendant's response thereto,

IT IS HEREBY ORDERED that the motion is DENIED.


GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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by Notice of Electronic Filing